

REMARKS/ARGUMENTS

The Applicant originally submitted Claims 1-23 in the application. In the previous response, the Applicant amended Claims 17 and 20-23 to correct inadvertent errors. No other claims have been amended, canceled or added. Accordingly, Claims 1-23 are currently pending in the application.

I. Formal Matters and Objections

The Examiner has advised to clearly define an “internal policy broker database.” (*See* Examiner’s Action, page 2.) In response, the Applicant directs the Examiner to paragraphs 47-48 and Figure 4 of the original specification. An internal policy broker database forms a robust, hardened and certified object (structure and contents) in the overall broker architecture. It plays a key role in ensuring the establishment of a certified and fair marketplace for resource brokering. (*See* paragraph 47 of the original specification.) The internal policy broker database is coupled to the virtual sector broker. (*See* element 450 of Figure 4.)

The contents of the internal policy broker database are certified by the responsible party or regulatory body that establishes the formal expression of the policies. The policies contained therein cover a range of areas relating to the brokering process. Policies relating to the following topics include, but are not limited to: market place establishment ground rules, certification of resource offerors and resource bidders, valid ranges of resources to be brokered, brokering process mandates and constraints, and database update mandates and constraints. (*See* paragraphs 47-48 of the original specification.)

II. Rejection of Claims 1-2, 4-5, 7, 9-10, 12 and 15 under 35 U.S.C. §102

The Examiner has rejected Claims 1-2, 4-5, 7, 9-10, 12 and 15 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 20040114574 by Zeira, *et al.* The Applicant respectfully disagrees.

Zeira relates to wireless communications systems and to supporting packet switched connections in such systems. (*See* paragraph 1, page 1.) Zeira does not teach, however, brokering resources of a wireless communication cell having at least one aperture array including generating, in response to a resource request, an allocation request based on available wireless communication resources of the cell subjected to a brokering process as recited in independent Claims 1, 9 and 17. On the contrary, the Applicant does not find where Zeira even addresses brokering resources of a wireless communication cell. Instead, Zeira teaches allocating communications resources based on several factors including: the requested data rate, the availability of resources, the number of requests already waiting, the amount of data represented by the requests, or the estimation of the availability of resources in the future. Additionally, Zeira discloses allocating resources fairly by allocating currently available or soon to be available resources among all requests waiting in a queue. (*See* paragraphs 52 and 55 on page 3.) Thus, Zeira discloses allocating resources based on several factors but none of the factors involve a brokering process. Zeira, therefore, does not teach generating, in response to a resource request, an allocation request based on available wireless communication resources of a cell subjected to a brokering process as recited in independent Claims 1, 9 and 17.

Since Zeira does not teach each and every element of independent Claims 1, 9 and 17, Zeira does not anticipate Claims 1, 9 and 17 and Claims dependent thereon. Accordingly, the

Applicant respectfully requests the Examiner to withdraw the §102 rejection with respect to Claims 1-2, 4-5, 7, 9-10, 12 and 15 and allow issuance thereof.

III. Rejection of Claims 3, 6, 8, 11, 13-14 and 16-23 under 35 U.S.C. §103

The Examiner has rejected Claims 3, 6, 8, 11, 13-14 and 16-23 under 35 U.S.C. §103(a) as being unpatentable over Zeira in view of U.S. Patent No. 6,353,600 to Schwartz, *et al.* The Applicant respectfully disagrees.

As discussed above, Zeira does not teach each element of independent Claims 1, 9 and 17. Zeira also does not suggest each element of independent Claims 1, 9 and 17 since Zeira does not suggest generating, in response to a resource request, an allocation request based on available wireless communication resources of a cell subjected to a brokering process. On the contrary, the Applicant does not find where Zeira even discloses a brokering process. Instead, Zeira teaches allocating resources based on factors, such as, the requested data rate, the availability of resources, the number of requests already waiting, the amount of data represented by the requests, *etc.* Thus, Zeira does not teach or suggest generating, in response to a resource request, an allocation request based on available wireless communication resources of a cell subjected to a brokering process as recited in independent Claims 1, 9 and 17.

Schwartz has not been cited to cure the above noted deficiencies of Zeira but to teach the subject matter of dependent Claims 3, 6, 8, 11, 13-14 and 16-23. (*See* Examiner's Action, page 4.) Additionally, Schwartz does not teach or suggest generating, in response to a resource request, an allocation request based on available wireless communication resources of a cell subjected to a brokering process. Instead, Schwartz teaches allocating antennae of cells based on optimization

algorithms. (*See* column 5, lines 46-47.) Schwartz, therefore, does not cure the above deficiencies of Zeira.

Therefore, the cited combination of Zeira and Schwartz does not teach or suggest each element of independent Claims 1, 9 and 17. As such, the cited combination does not provide a *prima facie* case of obviousness of independent Claims 1, 9 and 17 and Claims dependent thereon. Thus, Claims 3, 6, 8, 11, 13-14 and 16-23 are not unpatentable in view of the cited combination. Accordingly, the Applicant respectfully requests the Examiner to withdraw §103(a) rejection of Claims 3, 6, 8, 11, 13-14 and 16-23 and allow issuance thereof.


IV. Conclusion

In view of the foregoing remarks, the Applicant sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-23.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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